

ASSEMBLY BILL

No. 492

Introduced by Assembly Member Baca

February 16, 2005

An act to add Section 25210.8 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 492, as introduced, Baca. Hazardous waste: perchlorate: report.

(1) Existing law, the Perchlorate Contamination Prevention Act, requires the Department of Toxic Substances Control to adopt regulations, by December 31, 2005, specifying best management practices for managing perchlorate materials. Existing law also exempts a generator of effluent hazardous waste from dry cleaning operations that treats the waste onsite from certain hazardous waste facilities permit requirements and regulations, as specified. A violation of the hazardous waste control laws is a crime.

This bill would require a business concern that handles or otherwise uses perchlorate in the course of its operations, including a generator otherwise exempt from the hazardous waste facilities permit requirements, to submit a report to the department, by January 1, 2007, and by January 1 annually thereafter, detailing the manner in which the perchlorate waste is disposed. Because a violation of these report requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25210.8 is added to the Health and
2 Safety Code, to read:
3 25210.8. (a) On or before January 1, 2007, and on or before
4 January 1 annually thereafter, any business concern that handles
5 or otherwise uses perchlorate in the course of its operations
6 shall submit a report to the department detailing the manner in
7 which the perchlorate waste is disposed.
8 (b) Notwithstanding Section 25201.8, a generator of hazardous
9 waste otherwise subject to the exemption provided by Section
10 25201.8 shall submit the report required pursuant to this section.
11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.